

## ORDINANCE NO. 7407

### ORDINANCE AMENDING CHAPTER 8.04 "CONTAGIOUS DISEASE" BY CREATING SECTION 8.04.031, ENTITLED "COVID-19 FACE COVERING REQUIREMENT" OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE.

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

*SECTION 1. That Chapter 8.04, entitled "Contagious Disease" is hereby amended by creating Section 8.04.031, entitled "COVID-19 Face Covering Requirement" to read as follows:*

#### **8.04.031 COVID-19 Face Covering Requirement**

A. Purpose. The purpose of this ordinance is to promote and protect the public health, safety, and general welfare of the residents of the city of Eau Claire during the world-wide COVID-19 pandemic and to be prepared in the event that the current order issued by the governor of the State of Wisconsin is vacated or not extended.

B. Definitions. The following definitions apply throughout this ordinance:

1. "Face Covering" shall mean a piece of cloth or other material that is worn to cover the nose and mouth completely. A "face covering" includes but is not limited to a bandana, a cloth face mask, a disposable paper mask, a neck gaiter, or a religious face covering. A "Face Covering" does not include face shields, mesh masks, masks with holes or openings, or mask with vents.

2. "Local health officer" shall mean the city-county health officer as defined by sec. 252.01(3), Wis Stats.

3. "Physical distancing" shall mean maintaining at least six feet of distance from other persons who are not members of your household or living unit.

C. Requirement to wear a face covering. Every person, age five or older, who is located within the city of Eau Claire shall wear a face covering if the following apply:

1. The person is indoors or in an enclosed space, other than a private residence; and

2. Another person or persons who are not members of the individual's household or living unit are present in the same room or enclosed space.

3. Face coverings are strongly recommended in all other settings, including outdoors, when it is not possible to maintain physical distancing.

4. Buildings with public access are required to post a notice at their entrance that face coverings are required.

D. Exceptions to the requirement to wear a face covering.

1. Persons who are otherwise required to wear a face covering may remove the face covering in the following situations:

a. While eating or drinking.

b. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.

c. While obtaining a service that requires the temporary removal of the face covering, such as dental services.

d. While sleeping.

e. While swimming or on duty as a lifeguard.

f. While a single individual is giving a religious, political, media, educational, artistic, musical, or theatrical presentation for an audience, the single speaker may

remove the face covering when actively speaking if the speaker remains at least 6 feet away from all other individuals at all times, when his or her face covering is removed.

g. When engaging in work where wearing a face covering would create a risk to the individual as determined by government safety guidelines.

h. When a federal or state law or regulation prohibits the wearing of a face covering.

2. According to Centers for Disease Control (CDC) guidelines, the following are exempt from the requirement to wear a face covering:

a. Children between the age of 2 and 5 are encouraged to wear a face covering when physical distancing is not possible. The CDC does not recommend face coverings for children under the age of 2.

b. Persons who have trouble breathing.

c. Persons who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

d. Persons with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the person from wearing a face covering.

e. Incarcerated individuals.

E. Enforcement. Failure of an individual to comply with this ordinance may result in the issuance of a citation, resulting in a forfeiture of \$200.00 per incident together with the costs of prosecution, with each incident constituting a new and separate violation.

F. Effective date and sunset. This ordinance will go into effect only if the Emergency Order dated January 19, 2021 issued by the governor of the State of Wisconsin requiring the use of face coverings, or any successor face covering order of the governor is vacated by a decision of the Supreme Court of the State of Wisconsin or legislature, or if the governor does not extend such an order, or if there is any absence of a state face covering requirement applicable in the city of Eau Claire. This ordinance will be published as a class 1 notice and will become effective the day after publication. This ordinance will sunset on June 30, 2021 and will be automatically repealed on that date unless otherwise repealed earlier by action of the City Council.

(SEAL) President Terry L. Weld

(SEAL) Interim City Manager David A. Solberg

(ATTESTED) City Clerk Carrie L. Riepl

First Reading January 26, 2021

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